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RIGHTS OF THE CHILD

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[12 March 1996]

Orphaned children

1. Thousands of children are allowed to die every year from medical neglect in China's State-run orphanages, with the tacit approval of senior political leaders. The Chinese Government's official statistics on deaths in child-welfare institutes run by the Ministry of Civil Affairs indicate that conditions in China's orphanages are worse than those previously documented anywhere else in the world, leaving most institutionalized children little chance of surviving beyond childhood. The Government does little or nothing to prevent the deaths of these children, many of whom are abandoned children, born in violation of the country's family-planning regulations; some are physically or mentally handicapped. Indeed, there is evidence that, in some cases, food and medical treatment have been deliberately withheld.

2. Documentation from one of China's largest and best-known orphanages, the Shanghai Children's Welfare Institute, reveals grave abuses of children. Medical records of hundreds of orphans who were sent to that Institute show that the majority of abandoned children admitted during the late 1980s and

early 1990s died within one year of admission. In 1989, most such deaths were routinely recorded as resulting from "congenital maldevelopment of the brain". In almost all cases, this diagnosis was made without any apparent medical justification and sometimes in the face of clear evidence that a child had suffered from no mental disability.

3. By 1992, after complaints from doctors and staff practising in the orphanage, these baseless diagnoses became far less common, replaced by "third-degree malnutrition" as the most commonly recorded cause of orphans' deaths. The medical records for many children, which record their weight and general health at the time of admission, clearly indicate that the process of starvation usually began only after their arrival at the orphanage and was left intentionally untreated by staff members who passively observed their gradual deterioration and death.

4. The starvation of unwanted orphans at the Shanghai orphanage reportedly took place after an informal process known internally as "summary resolution", during which child-care workers would select one or more children on a given ward for death by deprivation of food and medical care. When these children had been gravely weakened by malnutrition - often sedated to prevent them from struggling or escaping from their beds - medical staff would be invited to perform a formalized written "consultation", which implicitly endorsed the decision to eliminate a targeted orphan. In virtually all such cases, this "consultation" was followed by death within the following several days or weeks.

5. Documentary and eyewitness evidence from Shanghai indicates that the city's highest political leaders conspired in early 1992 to suppress an official investigation into evidence of these and other grave abuses at the Shanghai Institute. Officials concealed abuses from the Chinese and foreign public, ordering the city's press and broadcast media to suspend all negative coverage of the Institute and to take special care to prevent foreigners from learning of conditions at the orphanage.

6. Following this high-level intervention, orphanage staff members who had brought about the initial inquiry by seeking to publicize the abusive conditions were dismissed, transferred or forced into early retirement, while city officials who supported their complaints, including 14 members of the Shanghai Municipal People's Congress, were demoted for their involvement in the inquiry. Meanwhile, other orphanage employees responsible for abusing children retained their positions or were promoted to posts of even greater responsibility. The former director of the Shanghai orphanage was promoted to vice-director of the city's entire custodial welfare system, despite clear evidence that he was personally responsible for criminal offences against orphans that included rape, assault and other forms of abuse.

7. In addition to targeting some orphans for starvation, Shanghai institution staff physically abused children, including beatings, rape, excessive use of physical restraints and inhumane punishments like hanging children upside down with their heads submerged in water.

8. China's 1991 adoption law forbids the adoption of abandoned children by individuals younger than 35 and by those who already have a child.

9. Human Rights Watch calls on the Commission on Human Rights to urge the Chinese Government to:

(a) Open all institutions caring for abandoned and orphaned children to public scrutiny by domestic and foreign observers;

(b) Order the Ministry of Civil Affairs to publish immediately comprehensive statistics on abandoned children, giving detailed figures on the number of abandoned infants and children discovered in each Chinese province in recent years, as well as the number of such children offered for legal adoption, fostered with private families, and placed in institutional care;

(c) Prosecute those responsible for perpetrating or concealing abuses against orphans in Shanghai;

(d) Order the Ministry of Civil Affairs to promulgate strict rules prohibiting the abuse of children in welfare institutions, such as corporal punishment, tying of children's limbs, medically unjustified use of drugs to control children's behaviour and all forms of paid or unpaid child labour;

(e) Amend the 1991 adoption law to eliminate obstacles to the domestic adoption of abandoned children.

Child soldiers

10. Thousands of children as young as eight and nine years old are used as soldiers in armed conflicts around the world. Many of these children are directly involved in fighting, often equipped with fully automatic assault rifles. Thousands have been killed - deprived of the most basic right, the right to life - and thousands more seriously wounded. Children themselves have killed and wounded civilians as well as opposing fighters. Many have taken part in terrible atrocities. These children bear appalling physical and psychological injuries and pose dangers to themselves and to others.

11. Human Rights Watch has conducted field investigations and issued reports on the use of children as soldiers in Liberia (1994) and in the Sudan (1995). In earlier years we have reported on child soldiers in internal conflicts in Angola, Myanmar, El Salvador, Ethiopia, Mozambique and Peru. After interviewing scores of child soldiers, we have concluded that no child under 18 should take part in armed conflict.

12. Human Rights Watch urges the Commission on Human Rights to convene a third session of the Working Group to Draft an Optional Protocol to the United Nations Convention on the Rights of the Child on Participation of Children in Armed Conflict that would raise the minimum age at which individuals can take part in armed conflict. We believe that no child under the age of 18 should take part directly or indirectly in hostilities, whether international or internal. We oppose both the compulsory recruitment of under-18-year-olds and the voluntary recruitment of children under 18. We oppose the recruitment of under-18s by non-governmental armed groups as well.